

<b>Committee(s):</b> Epping Forest Consultative – for information Epping Forest & Commons - for information	<b>Date(s):</b> 13 02 2019 11 03 2019
<b>Subject:</b> Epping Forest District Council Local Plan – Responses to the Inspector's Matters, Issues & Questions (SEF 09/19)	<b>Public</b>
<b>Report of:</b> Colin Buttery, Director of Open Spaces	<b>For Information</b>
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### Summary

Epping Forest District Council (the Council), whose boundary includes 64% of Epping Forest, submitted its Local Plan to the Secretary of State on 21<sup>st</sup> September 2018. The Examination-in-Public (EiP) hearings are being held between February and May this year. Following approval for officers to make representations to the EiP, this report provides an update of the Conservators' response to the main matters raised by the Local Plan Inspector and being considered at the EiP in February.

### Recommendation(s)

Members are asked to note:

- the representations made to the Local Plan Inspector on Matter 1 Legal Compliance and Matter 4 The Spatial Strategy.

### Background

1. Epping Forest District Council (the Council), whose boundary includes 64% of Epping Forest, submitted its Local Plan to the Secretary of State on 21<sup>st</sup> September 2018.
2. The Local Plan addresses the next phase of the District's development for the 15 years to 2033, including the allocation of 11,400 new homes, of which nearly 4,378 units are currently allocated within 3km of the Forest's boundaries and the majority, over 6,000, are within 5km. The Conservators' overall response to the Plan concluded that it is not consistent with national legislation, including The Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations) and does not do enough to protect Epping Forest.
3. At the January Epping Forest & Commons Committee (Report SEF 03/19) approval was given for officers to attend the hearings for the Local Plan's Examination-in-Public, to continue to advocate for changes to the Plan and to respond to the Matters, Issues and Questions (MIQs) from the Inspector.

4. It was also approved that officers should continue to work with the relevant local authorities, as “Competent Authorities” under the Habitat Regulations 2017, on the Epping Forest Special Area of Conservation Mitigation Strategy. Currently, there is only an Interim Strategy which addresses on-site mitigation for additional recreational pressures. The Interim Strategy has so far been approved by only one of the Competent Authorities, Epping Forest District Council. In addition, off-site avoidance measures and the adverse impacts of traffic, air pollution and urbanisation remain to be addressed.

## Current Position

5. The Local Plan Inspector published her Matters, Issues and Questions (MIQs) at the end of November 2018 and representations on Matters 1 and 4 were required by a deadline of 24<sup>th</sup> January 2019 for hearings in February.
6. Matter 1 considers the legal compliance of the Local Plan and, of particular relevance to Epping Forest, Issue 5 is concerned with the protection of Special Areas of Conservation. This examines the Plan’s compliance with the Habitats Regulations 2017 and its approach to the mitigation hierarchy to ensure “no adverse impacts” on the Forest. Our representations raise a wide range of issues (**see Appendix 1**), including the lack of avoidance measures for recreational pressure, the absence of an updated Habitats Regulation Assessment and the lack of a full Mitigation Strategy with measures to combat air pollution and traffic congestion.
7. Matter 4 examines the Local Plan’s Spatial Strategy and the distribution of development and any proposed infrastructure, including roads. The impact on Epping Forest is considered in our representations and, of special concern are the continuing problems of air pollution from traffic and the Plan’s proposed expansion of Wake Arms Roundabout and other parts of the road network within Epping Forest (**see Appendix 1**).

## Corporate & Strategic Implications

8. **Legal** – none relating to recommendations in this report.
9. **City of London Corporate Plan 2018 - 2023**: the protection of the internationally and nationally-important habitats of Epping Forest directly underscore the *third pillar* of the Corporate Plan, which is to “**shape outstanding environments**”. This *third pillar* of the Corporate Plan is measured by four outcomes. The protection and conservation of the outstanding environment of Epping Forest and its buffer lands contribute significantly to the achievement of two of these: firstly, *Outcome 11* “We have clean air, land and water and a thriving and sustainable natural environment” and secondly, *Outcome 12* “Our spaces are secure, resilient and well-maintained”.
10. **Open Spaces Department Business Plan 2016-19**: The Strategic Vision of this Business plan is to ‘Preserve and protect our world class green spaces for the

benefit of our local communities and the environment.’ and one of the Department Objectives is to ‘Protect and conserve the ecology, biodiversity and heritage of our sites.’ Ensuring The Conservators’ responses are represented at the Local Plan EiP fully supports this objective.

11. **Epping Forest Management Plan, Strategy and Business Plan:** the responses on the Local Plan reflect the objectives of the previous and forthcoming Epping Forest Management Plans. These priorities will reflect the biodiversity and heritage importance of the Epping Forest SAC.

## Conclusions

12. The Inspector has raised 16 main Matters concerning the EFDC Local Plan. The first two of these Matters to be examined, at hearings in February, concern legal compliance with the Habitat Regulations and the spatial strategy and distribution of development. As these matters have major implications for the protection and future health of Epping Forest, officers have made detailed responses to the Inspector’s questions. These add to and amplify the concerns and suggestions already made in the Conservators’ response to the pre-submission Plan.

## Appendices

- **Appendix 1:** Conservators’ Representations on the Inspector’s Matters, Issues & Questions (MIQs) for Epping Forest District Council Local Plan 2011-2033

## Background Papers

- SEF03/19 EF&C Committee Report: *Epping Forest District Council Local Plan – Examination-in-Public*. 14<sup>th</sup> January 2019
- SEF 23/18 EF&C Committee Report: *Proposals for the development of a Mitigation Strategy for the Epping Forest Special Area of Conservation*. 14<sup>th</sup> May 2018
- SEF 19/18 EF&C Committee Report: *Epping Forest District Council Local Plan – Regulation 19 Consultation, Update*. 12<sup>th</sup> March 2018
- SEF 12/18 EF&C Committee Report: *Epping Forest District Council – Local Plan – Publication under Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012 – Request for Delegated Authority*. 15<sup>th</sup> January 2018
- SEF30/16 EF&C Committee Report: *Epping Forest District Local Plan – proposed Memorandum of Understanding*. 4<sup>th</sup> July 2016

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